

Announcement of the National Council for Peace and Order

No. 70/2557

Subject: Interim Measures in solving the problem of migrant workers and human trafficking

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Whereas it is considered appropriate to specify measures in solving the problem of migrant workers and human trafficking, in order to provide for an orderly management of migrant workers within the country, to establish employment standards for migrant workers in accordance with international standards, to alleviate the problems encountered by business owners and employers whose business necessarily requires employing migrant workers, and to eliminate the use of forced labour as well as exploitation of migrant workers; the NCPO hereby announces as follows:

1. A Coordination Center for the Return of Cambodian workers (hereinafter the Coordination Center) shall be set up in Sa-Kaew province, Chantaburi province, Trad province, and Surin province. It shall consider issuing a temporary entry permit for Cambodian nationals who wish to return to work in Thailand, with the Ministry of Interior as the main responsible body. This Coordination Center shall work together with the Ministry of Labour, the Immigration Bureau and other relevant bodies and shall commence work from 26 June 2014 onwards.

In implementing paragraph 1 above, the Coordination Center shall have the responsibility in keeping a personal record and issuing an identity card for a worker of Cambodian national in accordance with standards and procedures set by the Ministry of Interior.

2. Individual of Cambodian national who wishes to enter Thailand for employment purposes, whether with previous employment in Thailand or not, shall notify the Coordination Center within 25 July 2014. After this period, immigration of Cambodian nationals shall be in accordance with relevant laws.

In case where an employer submits a request for migrant workers, or submits a name-list of migrant workers previously worked in his/her business to the Coordination Center, and should the Center finds that there is a Cambodian national worker who has notified of his/her intention to work in Thailand and whose qualifications match those set by an employer, or whose name matches the name-list submitted by an employer, the Center shall notify the employer so that a temporary work permit can be proceeded.

The Coordination Center shall consider issuing a temporary entry permit for a Cambodian national who has been transferred to an employer pursuant to paragraph 2 above. The permit shall be valid for 60 days from the issuing date. A Cambodian national who has obtained a temporary entry permit is allowed to work with his/her employer starting from the date the permit becomes valid.

3. When an employer agrees to employ a Cambodian national pursuant to clause 2 above, he or she must obtain a temporary work permit from the One Stop Service for the Registration of Migrant Workers, per clause 4, in the province where the employer's business is located.

The temporary work permit issued pursuant to paragraph 1 shall be valid for the remaining validity of the temporary entry permit.

4. A One Stop Service for the Registration of Migrant Workers (hereinafter the One Stop Service) shall be established in every province, with the responsibility to issue a temporary work permit for migrant workers and for the orderly management of migrant workers of Myanmar, Laos and Cambodian nationals. The Ministry of Interior shall be the main responsible body, and work in cooperation with the Ministry of Labour, the Ministry of Health, the Immigration Bureau and other relevant entities. The first One Stop Service is to be set up in Samut Sakhon province on 30 June 2014. Establishment and commencement of the One Stop Service in other provinces shall be in accordance with further announcement from the NCPO.

In implementing paragraph 1 above, the One Stop Service shall have the responsibility in keeping a personal record, issuing an identity card, and carrying out a health check-up for migrant workers in accordance with standards and procedures set by the Ministry of Interior.

5. Individual of Myanmar, Laos or Cambodian national who has entered or resided in Thailand illegally, whose permission has ended, or who undertakes employment illegally, shall report to the aforementioned One Stop Service.

In case where a migrant worker of the abovementioned criteria, accompanied by an employer, reports him/herself and notify his/her intention to work as labor or undertake a laborious work not involving academic knowledge and skills, or other work not in violation of the law relating to employment of migrant workers, the One Stop Service shall consider issuing a temporary work permit for such worker. The permit shall be valid for 60 days from the issuing date. Migrant worker who has obtained the permit can commence work with the employer from the day the permit is issued.

6. Individual of Myanmar, Laos or Cambodian national who has obtained a temporary work permit pursuant to this announcement must undergo a nationality-check process in order for a temporary leave to remain in the Kingdom of Thailand as well as a work permit to be issued in accordance with the law.

7. Temporary entry permit and temporary work permit issued pursuant to this announcement shall be terminated when an individual of Myanmar, Laos or Cambodian national who has obtained a temporary entry permit or temporary work permit falls into on the following category:

(1) has mental problem or contract a disease as prohibited by the Ministry of Health; or is a person with unhealthy condition obstructing the carrying out of his/her occupation according to a doctor's prescription

(2) is a person with a criminal conviction punishable by imprisonment, except for an offence committed in negligence and minor offences.

(3) behaves in a way that can be deemed dangerous to the society, is likely to cause harm and unrest to the general public, or poses a threat to national security; or is a person against whom foreign government has issued a warrant.

(4) behaves in a way that suggests involvement in prostitution, women and child trafficking, drugs trafficking, custom duty evasion or involvement in other work in contrary to public order and morals

8. Article 12(3), Article 54 and Article 81 of the Immigration Act B.E. 2522 (1979) shall not be enforced against individual of Myanmar, Laos or Cambodian national who has obtained a temporary entry permit or a temporary work permit pursuant to this announcement, and whose permits are still valid.

9. Business owner, employer and migrant worker shall cooperate in following the measures stipulated by government officers. When the date stated in the temporary entry permit and the temporary work permit has lapsed, relevant law enforcement entities shall strictly enforce the law against migrant worker and other relevant entity.

10. Border Defence Command of the Royal Thai Army and of the Royal Thai Navy as well as other relevant bodies shall strictly control immigration movement along the border lines in accordance with established measures. Other relevant government agencies shall likewise enforce the law strictly against migrant worker smuggling and human trafficking network. Disciplinary and criminal proceedings shall be brought against government officer who fails to carry out his/her duty or who commits malfeasance.

11. Ministry of Interior, Ministry of Labour, Ministry of Health, the Royal Thai Police, the Immigration Bureau, the Internal Security Operations Command, Border Defence Command of the Royal Thai Army and of the Royal Thai Navy, as well as other relevant bodies, shall follow as guidelines the measures and approaches as outlined in this announcement. In addition, they shall consider measures aimed at publicizing and promoting compliance amongst business owners and employers, as well as other measures which will reinforce compliance with this announcement.

12. Policy Committee on Migrant Worker and Human Trafficking established pursuant to Order of the NCPO No. 73/2557 dated 25 June 2014 is to be the main responsible body in overseeing the implementation as well as continually monitoring and reporting the result to the NCPO.

This announcement shall take effect immediately

Announced on 25 June B.E. 2557 (2014)

General Prayut Chan-o-cha

Head of the National Council for Peace and Order